

House File 493

S-5085

1 Amend House File 493, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 331.304, Code 2016, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 11. A county shall not adopt or
8 enforce any ordinance or regulation in violation of
9 section 562A.27B or 562B.25B.

10 Sec. 2. Section 364.3, Code 2016, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 11. A city shall not adopt or
13 enforce any ordinance or regulation in violation of
14 section 562A.27B or 562B.25B.

15 Sec. 3. NEW SECTION. **562A.27B Right to summon**
16 **emergency assistance — waiver of rights.**

17 1. *a.* A landlord shall not prohibit or limit a
18 resident's or tenant's rights to summon law enforcement
19 assistance or other emergency assistance by or on
20 behalf of a victim of abuse, a victim of a crime, or an
21 individual in an emergency.

22 *b.* A landlord shall not impose monetary or other
23 penalties on a resident or tenant who exercises the
24 resident's or tenant's right to summon law enforcement
25 assistance or other emergency assistance.

26 *c.* Penalties prohibited by this subsection include
27 all of the following:

28 (1) The actual or threatened assessment of
29 penalties, fines, or fees.

30 (2) The actual or threatened eviction, or causing
31 the actual or threatened eviction, from the premises.

32 *d.* Any waiver of the provisions of this
33 subsection is contrary to public policy and is void,
34 unenforceable, and of no force or effect.

35 *e.* This subsection shall not be construed to

1 prohibit a landlord from recovering from a resident
2 or tenant an amount equal to the costs incurred to
3 repair property damage if the damage is caused by law
4 enforcement or other emergency personnel summoned by
5 the resident or tenant.

6 *f.* This section does not prohibit a landlord from
7 terminating, evicting, or refusing to renew a tenancy
8 or rental agreement when such action is premised upon
9 grounds other than the resident's or tenant's exercise
10 of the right to summon law enforcement assistance or
11 other emergency assistance by or on behalf of a victim
12 of abuse, a victim of a crime, or an individual in an
13 emergency.

14 2. *a.* An ordinance, rule, or regulation of a
15 city, county, or other governmental entity shall not
16 authorize imposition of a penalty against a resident,
17 owner, tenant, or landlord because the resident, owner,
18 tenant, or landlord was a victim of abuse or crime.

19 *b.* An ordinance, rule, or regulation of a city,
20 county, or other governmental entity shall not
21 authorize imposition of a penalty against a resident,
22 owner, tenant, or landlord because the resident, owner,
23 tenant, or landlord sought law enforcement assistance
24 or other emergency assistance for a victim of abuse, a
25 victim of a crime, or an individual in an emergency, if
26 either of the following is established:

27 (1) The resident, owner, tenant, or landlord
28 seeking assistance had a reasonable belief that the
29 emergency assistance was necessary to prevent the
30 perpetration or escalation of the abuse, crime, or
31 emergency.

32 (2) In the event of abuse, crime, or other
33 emergency, the emergency assistance was actually
34 needed.

35 *c.* Penalties prohibited by this subsection include

1 all of the following:

2 (1) The actual or threatened assessment of
3 penalties, fines, or fees.

4 (2) The actual or threatened eviction, or causing
5 the actual or threatened eviction, from the premises.

6 (3) The actual or threatened revocation,
7 suspension, or nonrenewal of a rental certificate,
8 license, or permit.

9 d. This subsection does not prohibit a city,
10 county, or other governmental entity from enforcing any
11 ordinance, rule, or regulation premised upon grounds
12 other than a request for law enforcement assistance
13 or other emergency assistance by a resident, owner,
14 tenant, or landlord, or the fact that the resident,
15 owner, tenant, or landlord was a victim of crime or
16 abuse.

17 e. This subsection does not prohibit a city,
18 county, or other governmental entity from collecting
19 penalties, fines, or fees for services provided which
20 are necessitated by the cleanup of hazardous materials,
21 the cleanup of vandalism, for a response to a false
22 alarm call, or which are incurred by the provision of
23 emergency medical services.

24 3. In addition to other remedies provided by law,
25 if an owner or landlord violates the provisions of this
26 section, a resident or tenant is entitled to recover
27 from the owner or landlord any of the following:

28 a. A civil penalty in an amount equal to one
29 month's rent.

30 b. Actual damages.

31 c. Reasonable attorney fees the tenant or resident
32 incurs in seeking enforcement of this section.

33 d. Court costs.

34 e. Injunctive relief.

35 4. In addition to other remedies provided by

1 law, if a city, county, or other governmental entity
2 violates the provisions of this section, a resident,
3 owner, tenant, or landlord is entitled to recover from
4 the city, county, or other governmental entity any of
5 the following:

6 a. An order requiring the city, county, or other
7 governmental entity to cease and desist the unlawful
8 practice.

9 b. Other equitable relief, including reinstatement
10 of a rental certificate, license, or permit, as the
11 court may deem appropriate.

12 c. Actual damages.

13 d. Reasonable attorney fees the resident, owner,
14 tenant, or landlord incurs in seeking enforcement of
15 this section.

16 e. Court costs.

17 5. For purposes of this section, "*resident*" means
18 a member of a tenant's family and any other person
19 occupying the dwelling unit with the consent of the
20 tenant.

21 Sec. 4. NEW SECTION. 562B.25B Right to summon
22 emergency assistance — waiver of rights.

23 1. a. A landlord shall not prohibit or limit a
24 resident's or tenant's rights to summon law enforcement
25 assistance or other emergency assistance by or on
26 behalf of a victim of abuse, a victim of a crime, or an
27 individual in an emergency.

28 b. A landlord shall not impose monetary or other
29 penalties on a resident or tenant who exercises the
30 resident's or tenant's right to summon law enforcement
31 assistance or other emergency assistance.

32 c. Penalties prohibited by this subsection include
33 all of the following:

34 (1) The actual or threatened assessment of
35 penalties, fines, or fees.

1 (2) The actual or threatened eviction, or causing
2 the actual or threatened eviction, from the premises.

3 *d.* Any waiver of the provisions of this
4 subsection is contrary to public policy and is void,
5 unenforceable, and of no force or effect.

6 *e.* This subsection shall not be construed to
7 prohibit a landlord from recovering from a resident
8 or tenant an amount equal to the costs incurred to
9 repair property damage if the damage is caused by law
10 enforcement or other emergency personnel summoned by
11 the resident or tenant.

12 *f.* This section does not prohibit a landlord from
13 terminating, evicting, or refusing to renew a tenancy
14 or rental agreement when such action is premised upon
15 grounds other than the resident's or tenant's exercise
16 of the right to summon law enforcement assistance or
17 other emergency assistance by or on behalf of a victim
18 of abuse, a victim of a crime, or an individual in an
19 emergency.

20 2. *a.* An ordinance, rule, or regulation of a
21 city, county, or other governmental entity shall not
22 authorize imposition of a penalty against a resident,
23 owner, tenant, or landlord because the resident, owner,
24 tenant, or landlord was a victim of abuse or crime.

25 *b.* An ordinance, rule, or regulation of a city,
26 county, or other governmental entity shall not
27 authorize imposition of a penalty against a resident,
28 owner, tenant, or landlord because the resident, owner,
29 tenant, or landlord sought law enforcement assistance
30 or other emergency assistance for a victim of abuse, a
31 victim of a crime, or an individual in an emergency, if
32 either of the following is established:

33 (1) The resident, owner, tenant, or landlord
34 seeking assistance had a reasonable belief that the
35 emergency assistance was necessary to prevent the

1 perpetration or escalation of the abuse, crime, or
2 emergency.

3 (2) In the event of abuse, crime, or other
4 emergency, the emergency assistance was actually
5 needed.

6 c. Penalties prohibited by this subsection include
7 all of the following:

8 (1) The actual or threatened assessment of
9 penalties, fines, or fees.

10 (2) The actual or threatened eviction, or causing
11 the actual or threatened eviction, from the premises.

12 (3) The actual or threatened revocation,
13 suspension, or nonrenewal of a rental certificate,
14 license, or permit.

15 d. This subsection does not prohibit a city,
16 county, or other governmental entity from enforcing any
17 ordinance, rule, or regulation premised upon grounds
18 other than a request for law enforcement assistance
19 or other emergency assistance by a resident, owner,
20 tenant, or landlord, or the fact that the resident,
21 owner, tenant, or landlord was a victim of crime or
22 abuse.

23 e. This subsection does not prohibit a city,
24 county, or other governmental entity from collecting
25 penalties, fines, or fees for services provided which
26 are necessitated by the cleanup of hazardous materials,
27 the cleanup of vandalism, for a response to a false
28 alarm call, or which are incurred by the provision of
29 emergency medical services.

30 3. In addition to other remedies provided by law,
31 if an owner or landlord violates the provisions of this
32 section, a resident or tenant is entitled to recover
33 from the owner or landlord any of the following:

34 a. A civil penalty in an amount equal to one
35 month's rent.

1 *b.* Actual damages.
2 *c.* Reasonable attorney fees the tenant or resident
3 incurs in seeking enforcement of this section.
4 *d.* Court costs.
5 *e.* Injunctive relief.
6 4. In addition to other remedies provided by
7 law, if a city, county, or other governmental entity
8 violates the provisions of this section, a resident,
9 owner, tenant, or landlord is entitled to recover from
10 the city, county, or other governmental entity any of
11 the following:
12 *a.* An order requiring the city, county, or other
13 governmental entity to cease and desist the unlawful
14 practice.
15 *b.* Other equitable relief, including reinstatement
16 of a rental certificate, license, or permit, as the
17 court may deem appropriate.
18 *c.* Actual damages.
19 *d.* Reasonable attorney fees the resident, owner,
20 tenant, or landlord incurs in seeking enforcement of
21 this section.
22 *e.* Court costs.
23 5. For purposes of this section, "*resident*" means
24 a member of a tenant's family and any other person
25 occupying the dwelling unit with the consent of the
26 tenant.>

COMMITTEE ON JUDICIARY
STEVEN J. SODDERS, CHAIRPERSON